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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,937	03/24/2004	Alexander Serkh	O04-005A	5173

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THE GATES CORPORATION  
IP LAW DEPT. 10-A3  
1551 WEWATTA STREET  
DENVER, CO 80202

EXAMINER
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CHARLES, MARCUS

ART UNIT	PAPER NUMBER
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3656

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06/24/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/807,937	<b>Applicant(s)</b> SERKH, ALEXANDER	
	<b>Examiner</b> Marcus Charles	<b>Art Unit</b> 3656	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) 1-8 and 19-40 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 December 2008 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This action is responsive to the amendment filed 2-26-2009, which has been entered.

Claims 1-40 are currently pending.

### ***Election/Restrictions***

1. Claims 1-8 and 18-40 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 11-30-2007.

### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, “the one way clutch unit comprising a damper” as in claim 9, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering

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of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. The specification is objected to as failing to provide proper antecedent basis for "the one way clutch unit comprising a damper" as in claim 9. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o).

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 9-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not clear as to how the one way clutch can comprised of a damper because no damper in the clutch has been specified and it is not clear as to what section or part of the clutch the damper included. There is no indication that the one way clutch (42) includes a damper in the specification.

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***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 13, 16 and 18, as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Adachi et al. (5,289,813). Adachi et al. disclose a dual belt drive comprising a clutch unit (30/15,32), The clutch unit comprising a first clutch assembly (30) mounted to a rotating shaft (22); a one way clutch (32) directly mounted to a rotating shaft (24); a Supper charger (10) is connected to the first clutch and the one way clutch (see fig. 2), each of the first clutch (30) and the one way clutch (15/32) operate to provide different speed ratios to the super charger and it is apparent that the clutch unit is engaged at engine speed via a crankshaft pulley (12).

In claim 16, Adachi et al. discloses the first clutch is an electromagnetic clutch (30).

In claim 18, it appears that the first speed ratio is greater than the second speed ratio because a speed reduction gear (31) connects the first shaft with the second shaft.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 14, 15 and 17, as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Adachi et al. in view of WO (97/31198). Adachi et al. disclose a dual belt drive comprising a clutch unit member above, but fails to disclose an inertia member and damping member. WO (97/31198) discloses a clutch pulley comprising a damper (7/33) and an inertia member (see 12/13). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify device of Adachi et al. so as to include an inertia member and damping member inertial member in view of WO (97/31198) in order to reduce vibration and an increase smooth rotation.

In claim 17, note the damper (7) of WO (97/31198) comprises an elastomeric material.

10. Claims 9, 11-12, as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over M<sup>c</sup>rae (2,911,961) in view of WO (97/31198). In claims 9 and 11, M<sup>c</sup>rae discloses a dual belt drive comprising a first clutch assembly (35) mounted to a rotating shaft (43); a one way clutch (81-83) directly mounted to a rotating shaft (10), at a water pump (133) is connected to the first clutch and the one way clutch (see fig. 8), each of the first clutch (35) and the one way clutch (81-82) operate to provide different speed ratios to the water pump (133), and it is apparent that the clutch unit is engaged at engine speed. M<sup>c</sup>rae fails to disclose the inertia member and damping member. WO (97/31198) discloses a clutch pulley (9) comprising damper (7/33) and an inertia member (13/12). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify device of M<sup>c</sup>rae so as to include an inertia

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member and damping member inertial member in view of WO (97/31198). in order to reduce vibration and an increase smooth rotation.

In claim 12, it is apparent that the first speed ratio is greater than the second speed ratio because the radius of the first speed ratio pulley device is smaller than that of the second speed ratio pulley device.

In claim 11, note the damper (7) comprises an elastomeric material.

11. Claim 10, as understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over M<sup>c</sup>rae in view of WO (97/31198). as applied to claim 9 above, and further in view of JP (59-47528). The combination of M<sup>c</sup>rae and WO (97/31198) do not disclose the first clutch is an electromagnetic clutch. JP (59-47528) discloses an electromagnetic. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the clutch unit of M<sup>c</sup>rae so that it is an electromagnet clutch in view of JP (59-47528) in order to electromagnetically engagement and disengagement of the clutch.

### ***Response to Arguments***

12. Applicant's arguments, filed 2-26-2009, with respect to the rejection(s) of claim(s) 9-12 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of WO (97/31198).

13. Applicant's arguments filed 2-26-2009 have been fully considered but they are not persuasive. Applicant contended that in claim 13, the prior art does not fully

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disclose the claimed invention. Namely, the claim includes "a one-way clutch" comprising a damper, and the damper limitation is not taught by Adachi. It should be noted the limitation of claim 13 does not require a damper. Therefore, the prior art does not have to include a damper in the limitation. Therefore, the rejection of claim 13 is deemed proper.

***Citation***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note the prior art cited in attached PTO Form 892.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus Charles whose telephone number is (571) 272-7101. The examiner can normally be reached on Monday-Thursday 7:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ridley Richard can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

*Marcus Charles*  
/Marcus Charles/  
Primary Examiner, Art Unit 3656